

AO 91 (Rev. 11/11) Criminal Complaint

AUSA: Alyse Wu
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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Rayquan Vontez STURGIS

Case No. Case: 2:21-mj-30060
Assigned To : Unassigned
Assign. Date : 2/3/2021
USA V. SEALED MATTER (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 19, 2020 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
18 U.S.C. 922(n)

Offense Description
Receipt of a firearm while under indictment for a felony

This criminal complaint is based on these facts:
See attached AFFIDAVIT.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: February 3, 2021

City and state: Detroit, Michigan


Complainant's signature

Donald L. Clark, Task Force Officer (ATF)
Printed name and title


Judge's signature

Hon. R. Steven Whalen, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Donald L. Clark, being duly sworn, do hereby state the following:

I. INTRODUCTION

1. I am Detroit Police Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a Detroit Police Officer since September 2015, and assigned to the ATF since February 2020. I have been involved in numerous investigations of firearms as well as numerous criminal prosecutions.

2. The statements contained in this affidavit are based on my review of written police reports by Detroit Police Officers, and information provided to me by and/or through other law enforcement agents, investigators, and individuals with knowledge of this matter.

3. This affidavit is intended to show that probable cause exists that Rayquan Vontez STURGIS (DOB XX/XX/1999) has violated 18 U.S.C. § 922(n), as a person who received a firearm while under indictment for a felony, and does not set forth all information known to law enforcement regarding this investigation.

II. PROBABLE CAUSE

4. On October 19, 2020, at approximately 11:58 a.m., the Detroit Fugitive Apprehension Service Team (F.A.S.T) conducted fixed surveillance in Detroit, MI to locate and apprehend STURGIS.

STURGIS had a felony warrant for armed carjacking. STURGIS was observed exiting the front door of a home, and a marked Detroit Police Department vehicle, parked around the corner as a takedown unit, was notified.

5. Officers from the takedown unit approached and identified STURGIS. STURGIS was asked to come over to them. As officers exited the scout car to apprehend STURGIS, he ran while clutching the right side of his waistband. STURGIS was chased on foot. During the chase, officers observed a red object resembling a handgun fall from STURGIS's right side along the driveway of a home at xxxx4 Mark Twain Street. STURGIS continued to flee from police, jumping over the fence at the rear of a home. STURGIS continued to flee from the police after several commands to stop. When an officer caught up to STURGIS, he was in a vacant field. He surrendered and was taken into custody.

6. Upon search incident to arrest, officers recovered one sandwich bag that contained 2.4 grams of suspected crack cocaine from STURGIS's front left pants pocket. Officers on scene doubled back along the path STURGIS ran and observed a Glock firearm, Model 42, that had been spray painted red, along the driveway of xxxx4 Mark Twain Street. The pistol had an extended magazine, and was loaded with 10 live rounds in the magazine and 1 live round in the chamber. The pistol was recovered and placed on evidence. The narcotics tested positive and were identified as a form of cocaine, weighing 2.4 grams.

7. I reviewed Michigan Department of Corrections (MDOC) records, Michigan Sixteenth Circuit Court Records, and a computerized criminal history (CCH) for STURGIS. On or about March 7, 2018, STURGIS pleaded guilty to: (1) felony stolen property receiving and concealing a motor vehicle; (2) felony third degree fleeing and eluding; and (3) felony controlled substance - possession of analogues. STURGIS received a deferred judgment and was sentenced to thirty-six months' probation under the provisions of the Holmes Youthful Trainee Act (HYTA). These crimes are felonies punishable by more than one year of imprisonment.

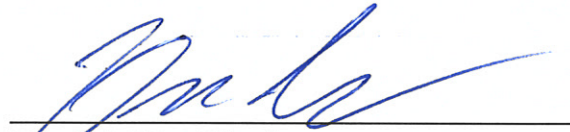
8. A firearms trace conducted on the Glock, Model 42 pistol, recovered along the driveway of xxxx4 Mark Twain, showed that the firearm was reported stolen on November 22, 2018, from a Federal Firearms Licensee in Lima, Ohio.

9. Given that STURGIS was sentenced to HYTA probation on or about March 7, 2018, and the firearm was reported stolen on November 22, 2018, STURGIS appears to have received the firearm after he was on HYTA. “An individual assigned to ‘youthful trainee’ status under the HYTA is ‘under indictment’ for purposes for 18 U.S.C. § 922(n).” *United States v. Hawkins*, 19-20155, 2020 WL 206465, *5 (E.D. Mich. Jan. 14, 2020).

10. On November 09, 2020, Special Agent Nathan Triezenberg, an interstate nexus expert, advised me that based upon a visual inspection, the above referenced firearm is a firearm as defined under 18 U.S.C. § 921, and was manufactured outside of the state of Michigan after 1989, and therefore had traveled in and affected interstate commerce.

III. CONCLUSION

11. Probable cause exists that Rayquan STURGIS received a firearm while under indictment for a felony offense, said firearm having traveled in interstate commerce, in violation of 18 U.S.C. § 922(n).



Donald L. Clark
Task Force Officer, ATF

Sworn to before me and signed in my
presence and/or by reliable electronic means.



HON. R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

February 3, 2021